

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO. 345 OF 2006

Pradeep Bapu Sarang
Petitioner

...

V/s.

The Maharashtra State Bord
of Technical Education
Respondent.

...

Mr. S.M. Sakhardande instructed by Mr. H.G. Dharmadhikari
and Ms. Deepali Kamble for the Petitioner

Mr. R.V. Govilkar for the Respondent.

CORAM: KSHITIJ R. VYAS, C.J., &
S.C. DHARMADHIKARI, J.
DATE: MARCH 3, 2006.

P.C.:-

1. Heard Mr. Sakhardande, appearing for the petitioner, and
Mr. Govilkar, appearing for the respondent.
2. The petitioner challenges the decision of the respondent
dated 31st October, 2005, concluding that the petitioner is not
eligible for admission to Advance Diploma in Industrial Safety,

as he has not obtained the required qualification from the recognized University.

3. After this matter was argued for quite some time, and we perused, with the assistance of the learned counsel appearing for both sides, the relevant documents, including the Minutes of Meeting dated 31st October, 2005, our view is that the decision reached, with regard to recognising the qualifications of the petitioner, by an expert body requires no interference under Article 226 of the Constitution of India. The standards for academic excellence are set by experts in the field, and it is not for this Court to substitute its views and opinions in that behalf.

4. However, the only grievance made by Mr. Sakhardande is that in the representation dated 2nd November, 2005, annexed as Annexure 'B' to this petition, the petitioner has pointed out that a candidate similarly placed like him, Krishnakumar Vasudev Prajapati, was held to be eligible. We inquired from Mr. Govilkar, appearing for the respondent, and he states that the said Prajapati was enrolled in the academic year 2002-2003, and he has undergone and completed his course. The petitioner cites this example, and submits that since the

decision of the respondent-Board is taken on 31st October, 2005, and he has been admitted to the course of a recognised institution in July, 2005, the decision may not be made applicable to him.

5. Mr. Sakhardande, upon taking instructions from the petitioner, states that the petitioner will make a representation to the Board, requesting it to apply the decision prospectively, and not to him. He submits that in the peculiar facts and circumstances and where the petitioner has acquired qualification from recognised institute, his case may be sympathetically considered.

6. We have no doubt that if a representation of the aforesaid nature is made by the petitioner and appropriate materials produced, the Board will take the same into consideration and pass orders thereon.

7. The Board will also take into account the representation dated 2nd November, 2005 and the fact that the incident cited, that of Mr. Prajapati, is on par with that of the petitioner. The Board will communicate the decision as expeditiously as possible on the representation, and in any event, within a

period of two weeks from the date of its receipt. The Board may take its own view in the peculiar facts and circumstances of this case, and do the needful. Our order shall not be construed as a precedent in future cases.

8. The petition is disposed of.

CHIEF JUSTICE

S.C.DHARMADHIKARI,J.